IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	Examiner: Elda Milef
	)	
Portillo et al.	)	Art Unit: **3628**
	)	
Application No. **09/604,525**	)	Confirmation No.: **4943**
	)	
Filed: June 27, 2000	)	Atty Docket 10722-31970
	)	

For: **METHOD FOR FACILITATING PAYMENT OF A COMPUTERIZED TRANSACTION**

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being ☐ deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or ☐ filed via facsimile at 571 272 8300 or ☒ filed via EFS-Web, on July 16, 2007.

By: _____
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Mail Stop Appeal Brief
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(SECOND) APPEAL BRIEF PURSUANT TO 37 C.F.R. § 41.37

Sir:

The Applicants offer this Brief in support of the (second) Notice of Appeal submitted on May 3, 2006. Applicants have appealed the final rejection of claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159, which were finally rejected in the Office Action of February 3, 2006. The period of response for filing this appeal brief has been calculated to extend from June 16, 2007 (the deadline for filing the appeal brief as measured from May 16, 2007, the mailing date of the Notice of Panel Decision from Pre-Appeal Brief Review) to July 16, 2007, via a one-month extension pursuant to the provisions of 37 C.F.R. § 1.136(a).

This is the second appeal brief in this case, and it is respectfully requested that the Board give this case special dispatch.

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I.   **REAL PARTY IN INTEREST**

The real party in interest in this appeal is First Data Corporation, a Delaware corporation, the assignee of record as reflected in an assignment recorded at Reel/Frame 018518/0845.

II.   **RELATED APPEALS AND INTERFERENCES**

There are no other known appeals or interferences directly related to this appeal. A first appeal brief was filed on July 6, 2004, but prosecution was reopened by the examiner,

III.   **STATUS OF CLAIMS**

The following is a concise statement of the status of all claims pursuant to the provisions of 37 C.F.R. § 41.37(c)(1)(iii). After a first appeal brief was filed in the case on July 6, 2004, the examiner at that time (David Robert Vincent) reopened prosecution and issued a new ground of rejection (essentially, the present rejection) in an Office Action mailed July 8, 2005.

On November 8, 2005, the Applicants (appellant) submitted an amendment in the reopened prosecution, with amendments to claims 16–159 and arguments as to patentability. In that amendment, the claims were limited to claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159.

All claims (i.e. claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159) were finally rejected by another new examiner (Elda Milef) in a Office Action dated February 3, 2006. The Applicants submitted a Notice of Appeal (the second one in this case) and a Pre-Appeal Brief Request for Review (PABRR) on May 3, 2006.

The PABRR and appropriate procedure was apparently overlooked, and a Notice of Abandonment was mailed on March 5, 2007. After the improper abandonment was made to a "no action count", a Notice of Panel Decision from Pre-Appeal Brief Review was mailed on May 16, 2007. (The abandonment is thus deemed withdrawn and of no effect.)

Thus, claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 are on appeal. The independent claims are **16**, **42**, **68**, **92**, **116**, and **138**.

IV.   STATUS OF AMENDMENTS

There are no amendments that have not been entered.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Pursuant to 37 C.F.R. § 41.37(c)(1)(v), the following is a concise explanation of the claimed subject matter as set forth in each of the independent claims 16, 42, 68, 92, 116, and 138, with reference to the specification by page and line number, and to the drawing, if any, by reference characters, in the originally filed Application No. 09/604,525 (hereinafter "Application").

The present invention(s) generally relate to methods and systems for facilitating payment of a computerized transaction (Application, FIG. 1). The method and system enable a buyer 30 to select an electronic payment method for a purchase from a merchant or seller 34 and obtain confirmation information for the transaction, including a <u>unique confirmation or transaction number,</u> from a computer of an independent third party money transfer system 42. (Application, FIG. 1; page 10, lines 6–19). The method and system further <u>enable the buyer 30 to make an actual payment at a payment location 48 of the money transfer system 42</u> using the unique confirmation number previously generated. Upon receipt of the funds, the money transfer system 42 notifies the seller 34 that the payment was received and completes the transaction by making payment to the seller. (Application, page 8, lines 13–20; page 16, lines 9–19).

One important aspect of the claimed subject matter is not the nature of a payment in an electronic commercial transaction – whether cash or other form of payment – but rather the receipt of "an <u>actual payment for the transaction</u> at one of a plurality of payment locations accessible to the buyer." (Application, page 8, lines 9–10)(emphasis supplied).   "The actual payment is preferably a cash payment, although payment could also be in the form of a check, money order, credit card, or the like." (Id., lines 10–12). "Upon receiving the payment from the buyer at one of the payment locations, the seller is notified over the Internet that the actual payment for the transaction was received at a payment location, and the seller can then ship the purchased items to the buyer." (Id., lines 13–16).

Independent claim 16 and its associated dependent claims are directed, among other things, to aspects of a <u>method</u> for effecting a payment from a buyer 30 to a seller 34 in connection

with an electronic transaction utilizing a money transfer system 42, with method steps particularly applicable to the money transfer system 42.   The claimed method includes the steps of assigning a unique transaction number to a payment request (FIG. 3, step 130), communicating information from the money transfer system to the seller computer for displaying at least a grand total amount and the unique transaction number to the buyer computer system (FIG. 3, step 134), and in response to receipt at the money transfer system 42 of information from a payment location local computer at a payment location associated with the money transfer system that payment in the amount of the grand total amount has been received at the payment location, communicating a message to the seller computer system that payment has been actually made at a payment location. (Application, page 25, lines 4–18; FIG. 10, operation 282; FIG. 11A; FIG. 14, 15).   The transaction is thereafter completed by making payment via the money transfer system to the seller. (Application, page 27, line 17 – page 28, line 4).

Likewise, claim 42 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system. Claim 42 is a system counterpart to method claim 16 and is supported by similar references in the application specification.

Claim 68 and its associated dependent claims are directed, among other things, to a <u>method</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction. As in claims 16 and 42, claim 68 relates to an independent money transfer system 42 that includes a plurality of <u>physical payment locations 48</u> (FIG. 1), and that generates a unique transaction number associated with the particular transaction. Additionally <u>the money transfer system generates a required payment amount in the buyer's local currency</u> based on a buyer's local exchange rate. (Application, page 11, lines 4–13; page 16, line 23 – page 17, line 5; page 19, lines 6 – page 20, line 2; FIG. 6B, 6C, 6D; FIG. 9, step 246; FIG. 11B, 11C).   The buyer then physically goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location in the buyer's local currency. The money transfer system then notifies the seller that the required payment has been made by the buyer.

Likewise, claim 92 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system, and also involving the payment amount in a buyer's local currency. Claim 92 is a system counterpart to method claim 68 and is supported by similar references in the application specification.

Claim 116 and its associated dependent claims are directed, among other things, to a <u>method</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction. As in claims 16 and 42, claim 116 relates to an independent money transfer system 42 that includes a plurality of <u>physical payment locations 48</u> (FIG. 1) and that generates a unique transaction number associated with the particular transaction, and as in claims 68 and 92, wherein the payment amount is in the buyer's local currency.

Claim 116 also includes the step of storing a unique payment request record comprising the grand total amount and the unique transaction number in a staging area 44 associated with the money transfer system 42, where in response to receipt of the unique transaction number for a payment location local computer, the payment request record associated with the unique transaction number is retrieved from the staging area.. (Application, page 9, lines 15–23; page 10, line 22 – page 11, line 3; FIG. 1).

Claim 116 also includes the steps of, in response to tender of payment in the grand total amount by the buyer at the payment location, communicating a "<u>payment made" message</u> (step 252, FIG. 9) from the payment location local computer to the money transfer system, and in response to receipt of the "payment made" message from the payment location local computer, communicating a message step 256, FIG. 9) from the money transfer system to the seller computer system that payment has been actually made at a payment location. (Application, page 24, lines 9–13; FIG. 9; page 26, lines 16–23 – page 27, line 9; FIG. 10).

Likewise, claim 138 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system, and also involving the payment amount in a buyer's local currency, with the dual messaging operations of the "payment made" message to the money transfer system

and then to the seller. Claim 138 is a system counterpart to method claim 116 and is supported by similar references in the application specification.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the final rejection mailed February 3, 2006, the examiner rejected claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159. Those claims are the subject of this appeal.

Claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,141,653 issued to *Conklin et al.* (hereinafter referenced as *Conklin*), in view of a *Business Wire* article (09889724 from Dialog file 148)(hereinafter referenced as *Business Wire* article), and further in view of *Godwin* (Travel Weekly, v44, pg. 19(2), #02472750 from 148)(hereinafter referenced as *Godwin*). The issue on this appeal is whether claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 are unpatentable under 35 U.S.C. § 103(a) as obvious over *Conklin* in view of *Business Wire Article*, and further in view of *Godwin*.

For the reasons that follow, it is respectfully submitted that the claims are patentable over the references applied by the examiner.

VII. ARGUMENT

A. THE EXAMINER IMPROPERLY REJECTED CLAIMS 16, 18–42, 44–68, 70–92, 94–116, 118–138, AND 140–159 UNDER 35 U.S.C. § 103(A) AS BEING OBVIOUS OVER *CONKLIN* IN VIEW OF THE *BUSINESS WIRE* ARTICLE AND FURTHER IN VIEW OF *GODWIN*

In the Office Action dated February 3, 2006, the examiner rejected claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 under 35 U.S.C. § 103(a) as being allegedly obvious over *Conklin* in view of *Business Wire* article, and in further view of *Godwin*. It is submitted that this rejection is improper and that the examiner's rejection should be reversed.

One simple way to look at this case is as follows (by way of a very general summary): Online transaction systems for buyers and sellers of having various features for negotiation and/or certain forms of payment were known in the art, e.g. *Conklin*, this much is admitted. Further, a money transfer and bill payment system for receiving cash payments at a "point of sale" (e.g. as

provided by Western Union) was also known in the art, this much is also admitted. But <u>no art teaches or suggests the combination</u> where a buyer must go to a payment location and make a payment in order to complete an electronic transaction in an online commerce system. At the time the invention was made, a person skilled in the art would have been lead by *Conklin* to build a system where the buyers and sellers could stay "in the comfort" of their home or office to conduct business – people would not naturally be lead to <u>leave</u> this comfort and convenience and travel to a payment location to make a payment for purposes of completing a transaction. This is antithetical to the notion of completely online – and convenient – transactions. The claimed invention meets a special need, not anticipated or obvious, for providing buyers with the capability to make payments, especially cash payments, in order to complete electronic transactions, which some would find inconvenient because of the requirement to make the payment at a payment location.

For the examiner to conclude that such a combination is obvious, based on these references, is simply untenable and unsupportable.

1. **Introduction to the Arguments.**

The primary issue in this appeal is whether the Applicants' claims are obvious in view of the applied references. This rejection is improper and should be reversed for the following reasons:

First, under the recent Supreme Court decision *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S.Ct. 1727 (2007), there is a renewed emphasis on appropriately applying the obviousness analysis methodology from the 1966 case of *Graham v. John Deere Co.*, 383 U.S. 1 (1966), in an expansive manner. In the *Graham* case, the Supreme Court set forth four factual inquiries to be made when making an accurate determination of obviousness. Using such a methodology, it is submitted that the differences between the claimed subject and the applied references are so significant that one having ordinary skill in the pertinent art should not find the claims obvious over *Conklin* in view of the *Business Wire* article, and in further view of *Godwin*.

Second, the examiner has failed to make out a *prima facie* case of obviousness. The explanation provided by the examiner as to how the teachings from the cited references *Conklin*, *Business Wire* article, and *Godwin* is incomplete, and therefore insufficient. The explanation

provided as to how these references meet the claim limitations is simply inadequate and should not be permitted.

Third, under the Federal Circuit's "teaching, suggestion, or motivation" (TSM) test – which the Supreme Court in *KSR v. Teleflex* did not completely throw out, but cautioned against applying in an unduly rigid manner – the examiner has not adequately found, or expressed, how the applied references teach, or suggest, or motivate the claims under appeal. Further, the examiner has not provided reasonable grounds why one having ordinary skill in the art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention(s). These inadequacies will be shown.

> 2.   **Applicants' Claimed Inventions Are Not Obvious over the Combination of** *Conklin,* **the** *Business Wire* **Article and/or** *Godwin* **Under the** *Graham v. John Deere* **Analysis**

In *KSR International* Co. v. *Teleflex* Inc., 550 U.S.____ (2007), hereafter referenced as *KSR v. Teleflex*, the Supreme Court reaffirmed *Graham v. John Deere Co*., 383 U.S. 1, 148 U.S.P.Q 459 (1966), hereinafter referenced as *Graham*, and use of the *Graham* approach in determining whether or not a claimed invention is obvious under 35 U.S.C. § 103(a) and therefore unpatentable. In *Graham*, the Supreme Court set forth four factual inquiries to be made when making an obvious determination. First, the scope and content of the prior art is determined. Next, the differences between the prior art and the claims at issue is ascertained. Then, the level of ordinary skill in the art is resolved. Secondary considerations of nonobviousness may be evaluated. Finally, a determination of obviousness is made. (See MPEP § 2141).

MPEP § 2141 also states that the following tenets of patent law must be adhered to when determining obviousness:

(A) The claimed invention must be considered <u>as a whole</u>;

(B) The references must be considered as a whole and must <u>suggest the desirability</u> and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of <u>impermissible hindsight vision</u> afforded by the claimed invention; and

(D) <u>Reasonable expectation of success</u> is the standard with which obviousness is
determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir.
1986).

When applying these tests, it should be readily apparent that the examiner has either (a)
failed to consider the invention as a whole, and/or (b) employed impermissible hindsight, because
(c) nothing in the references suggests providing a <u>money transfer system and/or method</u> as
claimed, where a <u>payment is made at a payment location</u> associated with the money transfer
system, and effecting completion of the transaction only after the payment has <u>actually been made
at the payment location</u>, and (d) there is no reasonable expectation of success of combining any of
the references to arrive at the claimed invention – nothing in any reference suggests the
desirability of such functionality at all.

For the reasons expressed below, it is respectfully submitted that Applicants' claimed
inventions as recited in claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 are not
obvious over *Conklin* in view of the *Business Wire* article, and further in view of *Godwin* under
the principles of *Graham*.

a.   **Scope and content of the prior art**

In general, *Conklin* teaches a system for iterative, multivariate negotiations between
participants such as buyers and sellers in a sponsored community over a network. (*Conklin*, Title
and Abstract). Specifically, *Conklin* relates to a negotiation process that allows participants to
negotiate terms iteratively, back and forth through a multivariate negotiation engine until the
deciding entity accepts and closure is reached. (*Conklin*, col. 25, lines 12–16). *Conklin* is
directed at corporate buyers and sellers engaging in production purchasing. (*Conklin,* col. 17, line
57–59). A buyer in a community interested in opening negotiations with a seller can propose and
negotiate orders, counteroffers, and furthermore, request sample quantities, special orders and
payment options such as a letter of credit as one of many terms negotiated "up front" of a
transaction.

Conklin is <u>not</u> directed to making a provision for actual payments to be made at a
designated "payment location" with the corresponding elements and steps for enabling a buyer to

make an actual payment at a payment location of the money transfer system. While *Conklin*
describes certain forms of payment (letters of credit, e.g. FIG. 11a-1, FIG. 15, FIG. 16, as well as
credit cards, FIG. 2b prior art), it does not provide any motivation for a system wherein a payment
is made at a payment location, and the fact of a received payment provided to a money transfer
system in order to effect completion of the transaction by making payment to a seller. Notably,
Conklin does not teach how to effect the payment aside from <u>credit-based</u> payments such as credit
cards and letters of credit, which are very different forms of payment from actual payments made
at a payment location.

   Conklin focuses on the negotiation aspects of a transaction especially for "sponsored
communities" in business to business negotiations. (*Conklin*, col. 17, lines 17–20). Such
sponsored communities include government agencies that sponsor trade commerce communities
for regional trade development efforts. Others sponsored communities can be international
organizations that may a sponsor community to assist countries in negotiating complex treaties.
(*Conklin*, col. 18, lines 12–15). "A sponsor, such as a traditional stock exchange or a newer type
of securities body could establish the standards for accepting stockbrokers into the community.
Such standards might include compliance with applicable securities regulations and so on. The
sponsor can monitor and regulate actual iterative multivariate negotiations such as options, puts,
calls, at the market or not at the market, etc., for buying and selling of commodities or securities
electronically over the Internet. Or a trade show organizer might sponsor a community for
allocating and iteratively negotiating accommodations, placement, footage, signage, facilities,
etc., amongst vendors and suppliers at the show site. Participants in a community can also ask the
sponsor to appoint a moderator for their negotiations, if stumbling blocks arise. The moderator
can monitor the negotiations and suggest next steps at any time in the process to one or several of
the participants." (*Conklin*, col. 17, line 63–68 - column 18, lines 1–11).

   As noted above, *Conklin* is clearly a <u>negotiation</u> based system for business to business
entities, not a money transfer system that can be used as a payment mechanism in an online
commerce system.

   In general, the *Business Wire* article describes several different online escrow and payment
services associated with eBay, namely, the Parcel Plus AuctionSHIP service, the TradeSafe
service, and the i-Escrow service. The examiner asserted that the description of the i-Escrow

service teaches the assignment of a transaction identification number (Office Action 02/03/2006, page 11), and that it would be obvious to modify *Conklin* to include a transaction identification number.

The *Business Wire* article was also cited as teaching an online auction system (eBay), so that it would have been obvious to modify *Conklin* to include a seller using an auction process (Office Action 02/03/2006, page 12).

The described i-Escrow service works as follows: after a completed auction (e.g. on eBay), the seller initiates contact with i-Escrow and fills out an order form. i-Escrow assigns a transaction identification number and a seller password. i-Escrow notifies the buyer of the transaction via email, the buyer logs in to obtain a buyer password, the buyer transfers funds to an escrow account. Once i-Escrow verifies the funds, the seller is instructed to ship the goods to the buyer. The buyer verifies the purchase within an agreed-upon inspection period and instructs i-Escrow to release the funds to the seller. (*Business Wire* article, under heading "How i-Escrow's Escrow Service Works").

It is noted that this description in the *Business Wire* article says absolutely nothing about the manner in which the buyer transfers funds to the escrow account. There is no teaching about a separate money transfer system, or payment locations, or payment location computers associated with the money transfer system, or making an actual payment, or communicating any messages that payment has actually been made at a payment location.

Godwin relates to an automated reservation system for cruise lines (CruiseMatch) that makes it easier for agents to sell cruises. The automated system permits cruise lines to list sailings and to accept bookings through existing agency reservation systems. In particular, the CruiseMatch system provides various queues for cruise reservation and booking. Each time a booking agency makes a deposit on a cruise, the fact of the deposit is recorded in CruiseMatch. If the deposit has not arrived by two days before the due date, a PNR (passenger name record) appears in the cruise line's option payment queue and a message shows up in the booking agency's queue. (*Godwin*, the latter 1/3 of the article).

The examiner cited *Godwin* as showing queues for payments in connection with rejecting certain dependent claims. (Office Action 02/03/2006, page 13).

However, *Godwin* is clearly a secondary reference, and provides no relevant teachings or motivation as regards a money transfer system, or payment locations, or payment location computers associated with the money transfer system, or making an actual payment, or communicating any messages that payment has actually been made at a payment location.

The combination of *Conklin*, the *Business Wire* article, and *Godwin* does not teach or describe systems or methods in which an online commerce system includes a money transfer system, connected for electronic communications with one or more payment locations, which are configured to receive actual payments at a payment location associated with the money transfer system, with a message communicated to a seller computer that payment has actually been made.

b. Differences between the prior art and the claimed invention(s)

There are several significant differences between the prior art and the claimed invention(s), as represented in the various independent claims. The principal reference *Conklin* patent describes a system for iterative, multivariate negotiations over a network (*Conklin*, Title and Abstract). It is not a payment system or a money transfer system, it is a negotiation system. While there are buyers, and sellers, and arrangements for negotiated terms in *Conklin*, there is no provision for actual payment to be made at a designated "payment location," with the resultant elements and steps for enabling a buyer to make actual payment at a payment location of the money transfer system. All the claims contemplate and recite a money transfer system that is separate from any other aspects of an online commerce system or electronic transaction system.

The portions of *Conklin* cited by the examiner as showing various claimed features of the claims are not germane to the claimed subject matter, and result from a strained and awkward interpretation, at best, and incorrect at points. It is thus submitted that the rejection is incorrect and/or improper and should be withdrawn.

1. *Conklin* Does Not Relate to a Money Transfer System.   First, *Conklin* does not show a "money transfer system," as the term is used and intended in the claims. It is a negotiation system without reference to a money transfer system. The examiner has asserted that *Conklin* discloses a money transfer system. (Office Action 02/03/2006, page 2.) The cited portions of *Conklin*, which will not be repeated here, simply do not support the examiner's position. Since a negotiation system bears few if any similarities to a payment system, it is far-fetched to think that

a skilled artisan would be led to modify *Conklin* to arrive at a payment system involving actual payments made at payment locations associated with the money transfer system.

As mentioned above, the *Conklin* patent describes a system for iterative, multivariate negotiations over a network. It is a <u>negotiation system</u> (the "front end" of many transactions), and does not provide any relevant teachings about the "tail end" of a transaction, namely, the payment portion. A careful reading of *Conklin* reveals that the payment aspects of a transaction are naturally a <u>part</u> of a negotiated transaction and that sellers can provide various payment choices for customers (see Fig. 10-3), but there is no teaching of a money transfer system that could be used as a payment mechanism. Payment options, especially by credit card, are viewed as "complicated" (*Conklin*, col. 4, lines 51–60 - col. 5, line 34); credit cards for paying <u>cash in advance</u> are discussed (col. 6, lines 16–21). Wire transfers for bank-to-bank payment (col. 6, lines 51–65; FIG. 30) are discussed. And letters of credit are discussed throughout the patent (col. 6, line 66 - col. 7, line 20; Fig. 11a-1 through Fig. 11a-3, Fig. 13; Fig. 15 C-1 and C-2). But none of these upfront negotiated payment-related aspects of a transaction relate at all to how a payment is actually made and completed!

Conklin does not teach how to effect any form of payment aside from <u>credit-based</u> payments such as credit cards and letters of credit. Such credit-based payments are very different from actual payments made at a payment location, and require a different infrastructure and considerations – which are addressed by Applicants' claimed inventions.

Those skilled in the art will read *Conklin* as teaching that payment is necessarily one of the terms of a transaction that can be negotiated <u>up front</u> of a transaction, but lacking any teaching of <u>how to effect payment</u>, especially as regards use of a separate money transfer system. It certainly does not teach a "money transfer system," as the term is used in the claims of the present application.

2. *Conklin* Does Not Disclose or Teach Payment Locations or Payment Location Local <u>Computers</u>. Second, *Conklin* does not show or suggest any "payment locations" or "payment location local computers," as the terms are used and intended in the claims. The examiner cited *Conklin* col. 31, lines 9–36 and Fig. 1 as disclosing one or more payment locations having payment location local computers. (Office Action 02/03/2006, page 2, last paragraph). This

excerpt is completely unrelated to payment locations associated with a money transfer system, where a person might go and make an actual payment. Col. 31, lines 9–36 is a strange citation – it begins with the last sentence of a paragraph in the patent and extends into the middle of a paragraph. The citation at best relates to non-repudiation and then "sample ordering." It is irrelevant to payment locations. It is a disconnected and nonsensical citation.

More importantly, the cited section merely speaks of a seller accepting buyer terms BT2 and reflecting them in final deal terms FD. The discussion goes on to speak of non-repudiation of a transaction and excuse of performance; it is <u>completely unrelated</u> to how a person makes a payment.

What does this have to do with payment locations? Or a money transfer system? Absolutely nothing. Again, *Conklin* relates to negotiation, not effecting actual payment in the manner of the claims. The remainder of the citation relates to "Sample Ordering." What does ordering of sample products have to do with money transfer system or payment locations or payment location local computers? Answer: Nothing again.

The citation to Fig. 2c, and wire transfers in col. 6, lines 51-65, and col. 25, lines 55-59, as showing the effecting a cash payment (Office Action 02/03/2006, page 3) is similarly irrelevant. Fig. 2c of *Conklin* is a very general "prior art" block diagram showing a product catalog, a fax machine, a telephone, samples, a bank, a factory, and a generic "payment." The "payment" in Fig. 2c is described in the patent in connection with letters of credit being negotiated by telephone calls and facsimile exchanges (see col. 7, lines 8–12). This discussion <u>has nothing to do with a money transfer system or making a payment at a payment location affiliated with the money transfer system</u>. It is talking about letters of credit! Payments at a payment location, let alone cash payments, are not even remotely hinted at.

The citation to col. 6, lines 51-65 of *Conklin* (Office Action 02/03/2006, top of page 3) as showing effecting of a payment is similarly irrelevant. This excerpt relates to wire transfers for bank-to-bank payments on international transactions, done over private bank networks and usually between companies which have already established a purchasing relationship. This is <u>not</u> a money transfer system used in connection with an electronic transaction, or any form of payment made at a payment location.

The citation to col. 25, lines 55-59 as showing effecting of a payment is likewise irrelevant. This excerpt relates to purchase orders of bulk order items being negotiated and letters of credit. For the examiner to rely upon this clearly irrelevant and unrelated discussion about "bulk order" and "letters of credit" as showing a money transfer system or making payments at a payment location associated with the money transfer system, is off the mark.

The cited portions of *Conklin* do not support the examiner's assertion about payment locations or payment location local computers. The cited excerpt (*Conklin*, col. 25, lines 55–59) merely describes negotiation of a letter of credit. No person skilled in the art would equate negotiation of a letter of credit with actually making a payment at a payment location. It is plain and clear from the specification of the Applicants' patent application that at least one important aspect is not the nature of the payment – whether cash or other form of payment – but rather is the receipt of "an <u>actual payment for the transaction</u> at one of a plurality of payment locations accessible to the buyer." (See Application, page 8, lines 9–10). "The actual payment is preferably a cash payment, although payment could also be in the form of a check, money order, credit card, or the like." (Id., lines 10–12). "Upon receiving the payment from the buyer at one of the payment locations, the seller is notified over the Internet that the actual payment for the transaction was received at a payment location, and the seller can then ship the purchased items to the buyer." (Id., lines 13–16).

How the examiner can take the position that wire transfers between banks (which does not meet the claim) or negotiation of letters of credit (which also does not meet the claim) discloses or teaches making a payment at a payment location is not understood, and is not reasonable. <u>These are not insignificant differences</u>. As a whole, therefore, one skilled in the art would not be led by teachings relating to letters of credit or wire transfers to modify the *Conklin* patent (or combine other prior art teachings) to arrive at an invention involving <u>actual payments made at payment locations associated with a money transfer system</u>.

3. *Conklin* <u>Does Not Disclose or Teach Communicating a Message that Payment has Actually Been Made</u>.

The *Conklin* patent does not disclose, teach or suggest anything remotely similar to the claimed functionality of communicating a message to a seller computer that payment <u>has been</u>

made at a payment location, based on information from a payment location local computer to the money transfer system, so that a transaction may be completed by making payment from the money transfer system to the seller. (See for example claim 16, as amended.) *Conklin* does not teach how to effect the payment aside from credit-based payments such as credit cards and letters of credit, neither of which would require any message that a payment has actually been received.

Here is yet another significant difference and instance of where the examiner's citation to *Conklin* does not meet the claims. The examiner cited *Conklin* as disclosing the step of communicating a message to the seller computer that payment has been actually made at a payment location (Figs. 7-8, 16). (Office Action 02/03/2006, page 5).

Conklin does not support the assertion at all. *Conklin* merely illustrates terms of a letter of credit. (See *Conklin,* col. 16, lines 30–31: "Fig. 11a-1 through 11a-3 show a completed letter of credit negotiated using the present invention.") Figs. 7–8 of *Conklin* are merely flow diagrams illustrating a buyer entering negotiations and illustrative reporting features, respectively. This is not a money transfer system, with payment locations, where payments are actually made. Where, anywhere in *Conklin*, is there anything at all about receipt of information that actual payment has been received? Or at a payment location? Or a grand total amount? Or communicating a message to the seller that such payment has actually been made? It is simply not there. The examiner's reliance on *Conklin* is misplaced and improper, as there are significant differences between the claimed inventions and the *Conklin* reference.

Specific aspects of the claimed inventions that differ from *Conklin* and the other references are as follows. Independent claim 16 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with method steps particularly applicable to the money transfer system. Likewise, independent claim 42 and its associated dependent claims are directed, among other things, to aspects of a system for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, with operations particularly applicable to the money transfer system.

Independent claim 68 and its associated dependent claims are directed, among other things, to aspects of a method for effecting a payment from a buyer to a seller in connection with an electronic transaction also utilizing a money transfer system, including steps relating to

determination of the payment amount in the <u>buyer local currency</u>, with method steps particularly applicable to the money transfer system. Independent claim 92 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including operations relating to determination of the payment amount in the <u>buyer local currency</u>, with operations of the system particularly applicable to the money transfer system.

Independent claim 116 and its associated dependent claims are directed, among other things, to aspects of a <u>method</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction, with method steps recited for various payment system components in addition to the money transfer system, and including steps relating to determination of the payment amount in the buyer local currency and storing the transaction information in a staging area for later retrieval, and using the unique transaction number to retrieve a payment request record from the staging area for use in collecting payment from the buyer. Independent claim 138 and its associated dependent claims are directed, among other things, to aspects of a <u>system</u> for effecting a payment from a buyer to a seller in connection with an electronic transaction, reciting various payment system components in addition to the money transfer system, and also including operations relating to determination of the payment amount in the buyer local currency and storing the transaction information in a staging area for later retrieval, and using the unique transaction number to retrieve a payment request record from the staging area for use in collecting payment from the buyer.

According to certain aspects of the claims, the buyer (typically physically) goes to a payment location associated with the money transfer system, provides the unique transaction number associated with transaction, and makes a required payment at the payment location. After the money transfer system receives information from the payment location that the buyer's payment of the grand total amount has been tendered at the payment location, the money transfer system communicates a message to the seller that payment has been actually made a payment location.

All claims differ from the references in at least one particular aspect: all the independent claims include the step or operation communicating a message from the money transfer system to

the seller computer that payment has <u>actually been made at a payment location</u>. None of these aspects are in the art, or suggested thereby.

Claims 116 and 138 also include the step or operation of communicating a "payment made" message from a payment location local computer (not the seller computer or the buyer computer) to the money transfer system, prior to the message from the money transfer system to the seller computer.

c. Level of Ordinary Skill in the Art

Applicants respectfully submit that the level of ordinary skill in the art is one who is skilled in electronic communications and the field of computer systems for online commerce.

d. Obviousness Analysis

Applicants respectfully submit that the claimed invention(s) as summarized above would not be obvious to one of ordinary skill in the art in view of *Conklin* either alone or with the *Business Wire* article or *Godwin* at the time the invention was made. Note that the filing date of this application was June 27, 2000, over seven years ago. The Board is urged to take care to avoid hindsight bias in considering the obviousness issue.

After now determining the scope and content of the prior art, the differences between the art and the claimed inventions, and the level of ordinary skill in the art, the Board must now determine whether the examiner has properly concluded that the inventions would be obvious in view of the prior art, duly considering any secondary considerations and taking care to avoid hindsight bias.

This is about as simple as the issue can be stated: the *Conklin* patent is so different from the claimed inventions technically and functionally that a person skilled in the art would not be lead to modify it, by itself, or with the *Business Wire* article, or *Godwin*, to provide in connection with an online commerce system, a <u>money transfer system</u> having payment locations with payment location local computers, with a message to the money transfer system and then to the seller computer that payment has <u>actually been made at a payment location</u>, so as to thereafter effect completion of a transaction. *Conklin*'s <u>negotiation</u> system is simply inadequate as a reference technically and functionally to lead the skilled artisan to make such a system, and the

secondary references are similarly inadequate to fill the missing teachings. The rejection should be overruled.

In the Office Action dated February 3, 2006, the examiner disagreed with all of the Applicants' argument as argued. The examiner asserted with respect to independent claims 16, 42, 68, 92, 116, and 138, that *Conklin* discloses "an online commerce system including a buyer and seller (Abstract, Summary, Figs. 1), providing a money transfer system connected with at least the seller computer (Figs. 2b, 2c, 3) (Community of Commerce), Fig. 7, Figs. 11a–1 through 11a–3, Fig.12 (payment), Fig. 30 (request for a wire-transfer), the money transfer system connected for electronic commerce communication with one or more payment locations associated with the money transfer system having payment location local computers (col. 31, lines 9–36; col. 26, line 43 - col. 27 line 32, Figs. 1, 27, 30).

These citations are factually irrelevant and do not support the examiner's assertions. For example, how could the col. 31 citation (the seller accepting buyer terms of a negotiation, not a payment), or the col. 26–27 citation (international processing, relating to difficulties with credit cards and how letters of credit are better for transactions with strangers), be read as showing or teaching a <u>money transfer system with payment location local computers</u>? It doesn't make sense … it is too much of a stretch on which to premise an obviousness rejection.

In general, as noted above, *Conklin* teaches a system for iterative <u>multivariate negotiations</u> over a network, not a money transfer system. The cited references to *Conklin* simply are unrelated to a money transfer system as the term is used in the Applicants' claims and do not support the examiner's assertions.

The final rejection is replete with similar irrelevant citations. Rather than address each and every irrelevant citation, we will address a few representative examples and hope that the Board will appreciate how misguided the rejection actually is.

The Office Action 02/03/2006, page 4 (middle) to page 5 (middle) cites to *Conklin*, Figs. 7, 8, 12, 16 and col. 26, line 65 – col. 27, line 30 for the proposition that the money transfer system receives information form a payment location that payment in the amount of the grand total amount has been received at the payment location, with further reference as to automating the negotiation of internationally accepted forms of payment such as letters of credit (L/C).

As should be clear from a reading of *Conklin*, it is a <u>negotiation</u> system, not a payment system or money transfer system that operates in conjunction with other aspects of an online commerce system. Fig. 7 is a flowchart showing only that a payment method is chosen (530)(with an anomalous two branches from that box), that is "processed accordingly" (532), with <u>no teaching about payment being received</u>. Fig. 8 is a flowchart of reports that teaches nothing about payment being received. Fig. 12 is merely a list of orders – what does that have to do with payment at a payment location? Fig. 16 shows an exemplary "Order & Payment Approval" screen for a letter of credit – what does this have to do with payment received at a payment location? Col. 26, line 65 – col. 27, line 30 relates to negotiating letters of credit and wire transfers as a form of payment – how does it teach anything about an actual payment received at a payment location? All this is <u>upfront negotiation</u>, not completing a transaction after payment has been received at a payment location.

On page 2–3 of the Office Action 02/03/2006, the examiner cited *Conklin* (fig. 2c; wire transfers, column 6, lines 51–65; column 25, lines 55–59; column 27, lines 14–25) as showing effecting a payment from a buyer to a seller. This citation is similarly irrelevant.   Fig. 2c of *Conklin* is a very general "prior art" block diagram showing a product catalog, a fax machine, a telephone, samples, a bank, a factory, and a generic "payment." The "payment" in Fig. 2c described in the *Conklin* is referencing letters of credit being negotiated by telephone calls and facsimile exchanges (see col. 7, lines 8–12). This discussion <u>has nothing to do with a money transfer system or making a payment at a payment location affiliated with the money transfer system</u>. This is directed to letters of credit. Payments tendered at a payment location (especially cash payments as in certain dependent claims) do not bear any similarity to letters of credit and require a totally different payment infrastructure.

On page 5 of the Office Action 02/03/2006, the examiner cited *Conklin* Figs. 7-8, 16 as showing communicating a message to the seller computer system that payment has actually been made at a payment location.   As discussed above, Fig. 7 is a flowchart showing only that a payment method is chosen (530) that is "processed accordingly" (532), with <u>no teaching about a message that payment was made</u>. Fig. 8 is a flowchart of reports, with a general step of "finalized sale" (575) that teaches nothing about communicating a message that payment was made. Fig. 16 relates to a letter of credit screen – with "Payment Terms" 384 with check boxes

for Sight 386, Acceptance 388, Deferred Payment 390 – but nothing about a message that a payment was made.

Many other citations in the Office Action to *Conklin* are similarly wide of the mark as a relevant teachings as to the claimed subject matter. Numerous citations on pages 5–11 of the Office Action 02/03/2006 are repetitive and applied to various other aspects of the claims, and will not be separately addressed. It is submitted that the differences between *Conklin*, again a negotiation system not a money transfer system associated with payment locations and payment location local computers that effect completion of transactions upon payment being made at the payment location, and the claimed inventions is so significant that reliance on *Conklin* as allegedly meeting so many aspects of the claims is clearly improper. And, the secondary references *Business Wire* article and *Godwin* cannot and do not supply the missing teachings. Singularly or collectively, the references do not support the examiner's conclusion that the claimed invention(s) are obvious.

On page 11 of the Office Action 02/03/2006, the examiner acknowledged that *Conklin* does not explicitly disclose assigning by the money transfer system a unique transaction number to the payment request, an aspect of all of the independent. However, the examiner asserted that the *Business Wire* article teaches a transaction identification number: "The seller initiates contact with I-ESCROW, then fills out a simple order form. I-ESCROW assigns a transaction identification number and a seller password after the seller submits the completed form … the buyer verifies the purchase … and instructs I-Escrow to release the funds to the seller." (Citing to *Business Wire* article, p. 2 para. 3).

Applicants do not claim a unique transaction number by itself, in a vacuum. Rather, the claims recite use of the unique transaction number as provided by the money transfer system to the seller, who provides it to the buyer, who uses it at the payment location so that the payment location local computer can associate a payment made with the number, for purposes of facilitating the association of a payment with a particular transaction, as specifically set out in the claims. Viewed as a whole in the proper manner, the claim and use of the unique transaction number is not met or taught by the *Business Wire* article.

In general, the *Business Wire* article describes a online auction site (eBay) providing escrow services via third party vendors for eBay members who buy and sell high value goods.

eBay members have the option of using i-Escrow's online escrow services. The tenth paragraph of the *Business Wire* article after the header, "How i-Escrow's Escrow Service Works," reads in relevant part in the third sentence, "i-Escrow assigns a transaction identification number and a seller password after the seller submits the completed form. After i-Escrow notifies the buyer of the transaction via email, the buyer logs in to obtain a buyer password. The buyer then transfers funds to the escrow account. Once i-Escrow verifies the funds, the seller is instructed to ship the goods to the buyer."

The cited excerpt from the *Business Wire* article is describing a <u>completely different and unrelated payment system – an escrow payment system.</u> The fact that the system is an online auction system (the now well-known eBay system) is immaterial to the claims in this application. Simply because this article indicates that a transaction number is assigned to a transaction does not make it obvious to include the transaction number feature in a totally different type of payment system, one involving <u>a payment made at a payment location</u>, with notification that the payment has been made to the <u>seller</u>. The buyer only transfers funds to an escrow account.

According to aspects of the claimed inventions, the buyer physically goes to the payment location to make the payment, armed with the unique identification number to make the association of the payment with the transaction. In the online escrow system, there is a payment <u>escrow</u> arrangement. As stated in the independent claims, such as claim 16, there is a <u>payment request</u> arrangement, wherein the amount of the transaction is communicated to the seller's computer system, and the unique transaction number in addition to amount is communicated to the buyer's computer system, followed by communicating to the seller that payment <u>has been made at a payment location</u> after the buyer has tendered payment

This is not the same as an escrow arrangement at all, which may or may not involve an actual payment to fund the escrow. This online escrow service does not provide a way for a buyer to physically make a payment at a payment location. Those skilled in the art will appreciate the difference and the value of providing a system for receiving an actual payment, where the buyer makes such an actual payment that is verified "on the spot" and then communicated to the seller. Accordingly, the examiner's reliance on the *Business Wire* article is misplaced, because its isolated and out-of-context teaching of a transaction number does not supply teachings or render the claim <u>as a whole</u> obvious.

The examiner rejected dependent claims 27, 40, 53, 66, 77, 90, 101, 114, 124, 137, and 159 under 35 U.S.C. § 103(a) as unpatentable over the combination of *Conklin* and the *Business Wire* article as set forth above, in view of *Godwin*. Specifically, the examiner asserted that *Godwin* teaches using queues for payments. (Office Action 02/03/2006, page 13). The examiner acknowledges that *Conklin* fails to particularly call for storing data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location, as specified in claims 27, 53, 77, 101,124; and maintaining device queue records comprising list of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery, as specified in dependent claims 40, 66, 90, 114, 137, 159.

As discussed above, *Godwin* describes an automated reservation system for cruise lines providing such features as availability status of cabin type, pricing, departure time, schedules and other cruise information. Admittedly, this reference describes use of queues in connection with various aspects of maintaining a cruise line reservation system. However, *Godwin* is clearly a secondary reference and is cited for the isolated teaching that queues are useful in automated reservation systems, and thus (as the examiner seems to be asserting) in other automated online systems. In this regard, the examiner cited *Conklin* as disclosing proposed orders "pending" (*Conklin*, col. 20, lines 57–61), accessing stored records (*Conklin*, Fig. 8), and using email (*Conklin*, Fig. 7), and concluded it would have been obvious to use a memory labeled as a buffer or a queue for helping when there is network traffic and a source cannot send the messages at the present time, especially since *Conklin* uses emails (citing *Conklin*, Figs. 11 or 18–23), which have queues. (Office Action 02/03/2006, page 14).

Like in the situation with the *Business Wire* article and the unique transaction number and use in connection with an online auction system, Applicants are not claiming the use of queues in a vacuum. The claims at issue here are all dependent claims and should be viewed <u>as a whole</u>. The queues in the rejected dependent claims are secondary aspects of patentability.

It is submitted that there is no motivation to modify *Conklin* to utilize queues, in a money transfer system to arrive at the claimed inventions of these dependent claims, because of the clear lack of relevance of *Conklin's* <u>negotiation system</u> to teaching the need for message queuing in a money transfer system.

As discussed in detail above, *Conklin* relates to multivariate negotiations, which form the front end of the transaction system described in that patent. Payment is, while not an afterthought, merely one of the many terms that a seller can specify. *Conklin* does not teach how to effect the payment aside from credit-based payments such as credit cards and letters of credit, neither of which would require any message that a payment has actually been received. Because *Conklin* does not teach anything about payments, being made at a payment location, or actual payment, there are no messages relating to payments that need to be sent to a seller regarding such payments.

Accordingly, a person skilled in the art would not be led by the *Godwin's* article to utilize message queuing, as used in the various claims, to modify *Conklin* to include queuing for the purposes recited in the claims, because there is simply no aspect of *Conklin* or *Godwin* that relates to messages regarding payments in a money transfer system, or payment confirmation queues, or data records corresponding to payment request, or the other aspects of these dependent claims. It is thus requested that the rejection of these dependent claims be overruled.

Since these and other aspects of the Applicant's inventions are not taught or suggested by any of the references, it is not likely that one who is skilled in the relevant art would find it obvious based on these applied references to create a system according to Applicants' claimed inventions. The omitted elements are not mere variations of the prior art, nor are they so well known that no reference is needed to supply the missing elements. Thus, Applicants' claimed inventions would not be obvious to one of ordinary skill in the art over *Conklin*, the *Business Wire* article, and *Godwin*.

e. Separate patentability of independent claims

As noted, the independent claims in this case are 16, 42, 68, 92, 116, and 138. Claims 16 and 42 are related as system and method, as are 68 and 92, respectively, and as are 116 and 138, respectively. Although all these claims contain some of the same elements that are relied upon for patentability – namely, the aspects of having a money transfer system in connection with a buyer computer system and a seller computer system in an online commerce system, an electronic payment request with an amount, a unique transaction number, a grand total amount, communicating the grand total amount and unique transaction number to the seller computer

system for displaying to the buyer computer system, and communicating a message to the seller computer system that payment has actually been made at a payment location – there are other aspects in the independent claims 68, 92, 116, and 138 that provide separate and independent bases for patentability.

Again as noted, independent claims 68 and 92 are directed, among other things and beyond that of claims 16 and 42, to aspects for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including steps or operations relating to determination of the payment amount in the <u>buyer local currency</u>. Taken as a whole, it is submitted that claims 68 and 92 are separately patentable because the applied art does not fairly disclose, teach, suggest, or motivate the provision of such aspects to one of ordinary skill in the art.

Again as noted, independent claims 116 and 138 are directed, among other things and beyond that of claims 16, 42, 68, and 92, to aspects for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, including steps or operations relating to storing a unique payment request record in a staging area associated with the money transfer system, retrieving the unique payment request record from the staging area in response to receipt of the unique transaction number from a payment location local computer, communicating a <u>payment made message</u> from the payment location local computer to the money transfer system, and communicating a message from the money transfer system to the seller computer that payment has actually been made at a payment location. Taken as a whole, it is submitted that claims 116 and 138 are separately patentable because the applied art does not fairly disclose, teach, suggest, or motivate the provision of such aspects to one of ordinary skill in the art.

f. Conclusion

Applicants respectfully submit that using the *John Deere* factual inquiries, the differences between the prior art and the inventions as claimed in claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 in the present application would not be obvious to one of ordinary skill in the art. Considering the *Conklin*, *Business Wire*, and *Godwin* references as a whole and the claims as a whole, it is hard to see how any reference fairly <u>suggests the desirability</u> and thus the

obviousness of making the combinations asserted by the examiner. Where is there any suggestion of a money transfer system, in connection with an online commerce system, that involves actual payments made at a payment location, with the other aspects as claimed? Credit cards and letters of credit are different payment systems and do not suggest the desirability of actual payments made at payment locations associated with a money transfer system that works in conjunction with other online commerce system infrastructure. It clearly seems that the examiner is not viewing the references without the benefit of <u>impermissible hindsight vision</u> afforded by the claimed invention(s). Since the references are bereft of reasonable teachings about money transfer systems and actual payments at payment locations, and the differences are so great, how can the examiner reasonably assert a <u>reasonable expectation of success</u> in combining these references to arrive at the claimed inventions? It is submitted – she cannot.

Accordingly, Applicants respectfully request that the examiner's rejection of claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159 under 35 U.S.C. § 103(a) be overruled.

> **3.   The Examiner Failed to Make a *Prima Facie* Case of Obviousness to Support a Rejection of the Claims**

The rejection should be overruled simply on the ground that the examiner has filed to make out a *prima facie* case of obviousness. The explanation provided by the examiner as to how the teachings from the cited references *Conklin*, *Business Wire* article, and *Godwin* is incomplete, and therefore insufficient. The explanation provided as to how these references meet the claim limitations is simply inadequate and should not be permitted.

"The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP § 2142. Establishing a *prima facie* case of obviousness requires three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP

§ 2142. The examiner's explanation in the Office Action 02/03/2006 of any suggestion or motivation to arrive at the claimed inventions is totally lacking.

The guidelines for establishing a *prima facie* case of obviousness appears to be based on aspects of the "teaching, suggestion, or motivation" (TSM) test established and followed by the Court of Appeals for the Federal Circuit in many cases. Under the TSM test, a patent claim is only proved obvious if "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See, e.g., *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F. 3d 1308, 1323–1324 (Fed. Cir. 1999), cited in *KSR v . Teleflex*. Although the Supreme Court in *KSR v. Teleflex* reaffirmed the *Graham v. John Deere* factors in the determination of obviousness, the Court did not totally reject the use of "teaching, suggestion, or motivation" (TSM) as a factor in the obviousness analysis. The Supreme Court cautioned that the TSM test must not be applied rigidly, but rather should be applied consistently with the *Graham* analysis. See *KSR v. Teleflex, supra*.

It should be apparent that much of the application of the TSM test has necessarily been developed in the argument above applying the *Graham v. John Deere Co.* factors. For these reasons and for other reasons articulated below, it is respectfully submitted that the examiner failed to make a case to support a *prima facie* rejection of any claims under 35 U.S.C. § 103(a) over *Conklin* in view of the *Business Wire* article and further in view of *Godwin*.

a. There is no suggestion or motivation to modify the references or combine the *Conklin, Business Wire* and *Godwin* references

Obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992).

The examiner has not provided any satisfactory explanation of how *Conklin*, alone or with any other reference, meets the claimed aspects of providing a money transfer system connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers, etc. The examiner asserted that

Conklin, col. 31, lines 9-36; col. 26, line 43 – col. 27, line 32, Figs. 1, 27, 30, meets this element in particular. Office Action 02/03/2006, page 2 (bottom) – page 3 (top). This is factually absurd and inadequate. *Conklin*, col. 31, lines 9-36 starts at the end of a paragraph with a buyer responding with proposed terms, continues with the seller accepting terms, discusses sending money "out of the country," continues into "Sample Ordering" and finishes with a discussion of a sponsor authorizing sample purchases through the sponsor's own merchant ID for online payment processing. What does this have to do with payment locations associated with a money transfer system with payment location local computers? Nothing. *Conklin*, col. 26, line 43 – col. 27, line 32 is similarly inadequate – this excerpt relates to the general notion of "sample ordering and multiple payment vehicle features" using credit vehicles such as credit cards or letters of credit, or CYBERCASH, and the negotiation thereof, not the payment mechanism itself. How can this possibly meet (or teach, or suggest, or motivate) the claimed limitations of payment locations associated with a money transfer system, etc. as in the claims? It cannot. The cited figures 1, 27, and 30 are similarly inadequate and do not meet the claim.

There are many other instances in the Office Action where the citations to the references similarly fail to meet, or teach, or suggest, or motivate the claimed aspects. In the interest of brevity, all of these will not be itemized.

As has been previously discussed, the *Conklin* patent describes a system for iterative, multivariate negotiations over a network (*Conklin*, Title and Abstract). It is not a payment system, it is a negotiation system. While there are buyers, and sellers, and arrangements for negotiated terms, there is no provision for actual payment to be made at a designated "payment location," with the resultant elements and steps for enabling a buyer to make actual payment at a payment location associated with the money transfer system. *Conklin* does not teach or suggest the inventive aspects of the present invention, as set forth in the independent claims 16, 42, 68, 92, 116, and 138, and there is no reason in *Conklin* or in any other reference why one skilled in the art would be led to modify *Conklin* or combine *Conklin* with other reference teachings to arrive at the inventions expressed in the these claims. *Conklin* does not show or suggest a "money transfer system," as the terms are used and intended in the claims. Further, *Conklin* does not show or suggest any "payment locations" or "payment location local computers," as the terms are used and intended in the claims. Rather *Conklin* teaches a negotiation process that includes payment

methods that are merely "up front" negotiated payment-related aspects of a transaction and do not relate at all to how a payment is actually made and completed.

Furthermore, *Conklin* does not disclose, teach or suggest anything remotely similar to the claimed functionality of communicating a message to a seller computer that payment has actually been made at a payment location, based on information from a payment location local computer to the money transfer system, so that a transaction may be completed by making payment from the money transfer system to the seller. In contrast, *Conklin* col. 31, lines 41–45; col. 32, lines 1–16) describes a notification sent to the buyer when the buyer has placed an order, not when the buyer has made payment at the payment location.

Further, the skilled artisan would simply not be motivated to modify *Conklin* to include the aspects as claimed, because of *Conklin's* singular focus on the negotiation aspect of a transaction, not on the payment aspects.

Neither the *Business Wire* article nor the *Godwin* article were cited as supplying the missing teaching, suggestion, or motivation for providing a money transfer system with payment locations and payment location local computers, etc., so the *Conklin* reference stands alone as allegedly meeting such claim limitations. Based on this reason alone and the inadequacy of *Conklin* to meet the claim, it is submitted that a *prima facie* case of obviousness has not been made by the examiner.

> **b. There is no reasonable expectation of success in combining *Conklin*, the *Business Wire* article, and *Godwin*.**

The examiner has also failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) because there is no reasonable expectation of success in combining the teachings of *Conklin, Business Wire* article, *and Godwin.* Therefore, the rejection is improper and should be withdrawn for this reason as well.

The explanation above as to the inadequacy of *Conklin* to meet the claim also highlights why there can be no reasonable expectation of success in modifying *Conklin* based on its own teachings, or combining *Conklin* with the *Business Wire* article or *Godwin*, to arrive at a money transfer system with payment locations and payment location local computers, that provide a message when payment has actually been made, etc., as in exemplary claim 16. Since *Conklin* is a negotiation system and not a payment system, and really only discusses credit type payment

vehicles such as credit cards and letters of credits (none of which require or lead to payments made at payment location type situations), it is hard to fathom how a person skilled in the art would be lead, let alone think about, the need for making a payment at a payment location in order to complete an online commerce transaction. How can there be an expectation of success, when there is <u>no reason to even think of</u> making a payment at a payment location, perhaps remote and in a physically different location, with the payment vehicles suggested in *Conklin*?

No such expectation of success is logical or rational, and the examiner certainly has not expressed one. This alone is a sufficient defect in making out a *prima facie* case.

Applicants respectfully submit that there is no reasonable expectation of success in combining the reference teachings. The prior art can be modified or combined to reject claims as obvious as long as there is a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). According to some cases, obviousness does not require absolute predictability; however, at least some degree of predictability is required. Evidence showing there was no reasonable expectation of success may support a conclusion of nonobviousness. *In re Rinehart*, 531 F.2d 1048, 189 U.S.P.Q. 143 (CCPA 1976).

In this instance, Applicants submit that there is no reasonable expectation of success in combining the teachings of *Conklin, Business Wire* article*,* or *Godwin* to support a rejection under 35 U.S.C. § 103(a).

As discussed in detail above, there is no motivation to combine the cited references. One skilled in the art would not be motivated to combine the <u>negotiation system</u> of *Conklin,* with an online escrow service of the *Business Wire* article or the cruise line reservation system of *Godwin* to arrive at the claimed invention involving a payment made at a payment location associated with a money transfer system, as specifically recited in the claims.

> **c. The combination of the *Conklin, Business Wire* article, and *Godwin*
> does not teach or suggest all the elements of Applicants' claimed
> inventions.**

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All the words in a claim must be considered in judging the patentability of

that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

As stated above, Applicants' inventions are generally directed to methods and systems for effecting a payment from a buyer to a seller for an electronic commercial transaction utilizing a money transfer system, with various claimed features especially including that of one or more payment locations associated with the money transfer system at which payments are actually made and messages indicative of such actual payment are communicated to the money transfer system and to the seller. The methods and systems enable a buyer to select an electronic payment method for a purchase and obtain confirmation information for the transaction, including a unique transaction number, from a computer of an independent third party money transfer system. The method and system further enable the buyer to make the actual payment at a payment location of the money transfer system using the unique confirmation number previously generated. Upon receipt of the funds, the money transfer system notifies the seller that the payment was received and completes the transaction by making payment to the seller. (Application, page 8).

In general, with respect to independent claims 16 and 42 and their respective dependent claims, neither *Conklin,* the *Business Wire* article*,* nor *Godwin,* alone or in combination, teach or suggest the claim limitations of a method or system including a buyer, a seller, and an independent money transfer system, let alone a money transfer system that includes a plurality of payment locations having payment location local computers, at which information is input indicating that payment in the amount of the grand total amount has been received at the payment location (such limitations by example but as specifically recited in the claims). These elements, among others, are not taught or suggested in the references. Nor is taught or suggested the communicating of a message to the seller computer that payment has actually been made at a payment location.

Further, with respect to independent claims 68 and 92 and their respective dependent claims, and further to that of claims 16 and 42, neither *Conklin,* the *Business Wire* article, nor *Godwin,* alone or in combination, teach or suggest the claim limitations of a method or system for effecting a payment from a buyer to a seller in connection with an electronic transaction in which the money transfer system generates the required payment amount in the buyer's local currency based on a buyer local exchange rate (such limitations by example but as specifically recited in

the claims). The buyer then goes to a payment location, provides the unique transaction number associated with the transaction, and makes the required payment to the money transfer system operator at the payment location in local currency. These elements, among others, are not taught or suggested in the references.

Further yet, with respect to independent claims 116 and 138 and their respective dependent claims, and further to that of claim 16, 42, 68, and 92, neither *Conklin,* the *Business Wire* article, nor *Godwin,* alone or in combination, teach or suggest the claim limitations of a method or system for effecting a payment from a buyer to a seller in connection with an electronic transaction in which the money transfer system stores a unique payment request record comprising a grand total amount (in the buyer's local currency) and a unique transaction number in a staging area associated with the money transfer system, and further in response to tender of the grand total amount by the buyer at a payment location communicating a "payment made" message from the payment location local computer to the money transfer system, and further communicating a message from the money transfer system to the seller computer that payment has actually been made at a payment location (such limitations by example but as specifically recited in the claims). These elements, among others, are not taught or suggested in the references.

Given that the combination of *Conklin,* the *Business Wire* article*,* and *Godwin* clearly does not teach or suggest all elements or claim limitations of any of Applicant's claimed inventions, it is respectfully submitted that the examiner has failed to establish a *prima facie* case of obviousness with respect to any of claims. Thus, the combination of *Conklin,* the *Business Wire* article, and *Godwin* is insufficient for a *prima facie* rejection under 35 U.S.C. § 103(a).

d. Conclusion

It is respectfully submitted that the examiner has failed to make a *prima facie* case of obviousness. First, there is no motivation to combine the references. Second, there is no reasonable expectation of success in combining the references. Finally, the combination of *Conklin,* the *Business Wire* article*,* and *Godwin* fails to teach every element of Applicant's claimed inventions as set forth in claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159. Therefore, the rejection under § 103(a) is improper and should be withdrawn.

4. **Under the "Teaching-Suggestion-Motivation" (TSM) Test, the Claims Are Not Obvious**

Finally, it is submitted that even under the "teaching-suggestion-motivation" test (the "TSM" test), the claims at issue are not obvious. As discussed previously, the Supreme Court in *KSR v. Teleflex* did not throw out the TSM test, but cautioned against applying it in an unduly rigid manner. This test remains an important analytical tool to ensure against the dangers of hindsight bias in analyzing obviousness. Under this test, it is submitted that the examiner has not adequately found, or expressed, how the applied references teach, or suggest, or motivate the claims under appeal. Further, the examiner has not provided reasonable grounds why one having ordinary skill in the art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention(s).

The importance of avoiding hindsight bias in obviousness analyses has long been a significant issue both at the USPTO in examination and in the courts. A recent article by Professor Gregory Mandel highlights this problem and provides the first empirical demonstration of the hindsight bias in patent law. *See* Gregory N. Mandel, "Patently Non-Obvious: Empirical Demonstration that the Hindsight Bias Renders Patent Decisions Irrational," OHIO STATE LAW JOURNAL, Vol. 67-139, pp. 1391–1463 (2006). The Supreme Court and the Federal Circuit have suspected this problem for some time and have tried to develop case law to guard against it. *Id.*, page 1419. In *Graham v. John Deere*, the Court stated that courts must "guard against slipping into use of hindsight" (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F.2d 406, 412 (6th Cir. 1964)), 383 U.S. 1, 36 (1966).

The TSM test was developed by the Federal Circuit specifically to combat the hindsight bias problem, because the Supreme Court did not provide specific guidance on how to avoid hindsight bias since *Graham v. John Deere*. *See* Mandel, page 1425. In the case of *In re Dembiczak,* 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999), the Federal Circuit noted that "the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." The basic elements of the TSM test have been incorporated into MPEP § 2141, as discussed above.

The Deputy Commissioner for Patent Operations, Margaret Focarino, has now advised all Technology Center Directors about the reaffirmation of *Graham v. John Deere Co.* in *KSR v. Teleflex*. Ms. Focarino acknowledged that the Supreme Court did not totally reject use of the TSM test as a factor in obviousness analysis, and said that the TSM test "could provide a helpful insight in determining whether the claimed subject matter is obvious under 35 U.S.C. § 103(a)." *See* Memorandum of Deputy Commissioner for Patent Operations, Margaret Focarino, to Technology Center Directors, May 3, 2007.

Applying the TSM test to guard against hindsight bias, and taken in appropriate context with the methodology of *Graham v. John Deere Co.*, it is submitted that the examiner is using improper hindsight to find teachings in *Conklin* that are not there. This has been fully discussed above and will not be repeated in full here, except to remind about the more detailed discussion above.

Claims 16 and 42

For example, independent claims 16 and 42 describe a money transfer system connected for electronic communications with the seller computer, and with one or more payment locations associated with the money transfer system having payment location local computers. The money transfer system assigns a unique transaction number to a payment request sent by the seller. The buyer pays for the transaction at a payment location, and the payment location local computer communicates to the money transfer system that payment has been received. The money transfer system then lets the seller computer system know that payment was made.

The Examiner rejected Claims 16 and 42 on grounds of obviousness, even though there is nothing in *Conklin* that teaches, suggest, or motivates a money transfer system having payment location local computers or a money transfer system that assigns a unique transaction number to a payment request sent by the seller, or a money transfer system that confirms to the seller that payment has been made. The examiner must necessarily be relying on hindsight to point out that the teachings of *Conklin* make the present invention obvious. If *Conklin* has no technical content that would even remotely suggest payment location local computers or confirming that a payment was made, how could there possibly be any teaching, or suggestion, or motivation to do so? If there is, the examiner has not articulated the proposition with any degree of clarity or completeness.

Conklin does not teach a money transfer system with payment locations

According to one aspect of the claimed invention, among other things, describes a money transfer system with payment locations where buyers go to make payments for their online transactions. It requires the buyer to <u>physically</u> leave their home, office, etc. and go to a physical payment location associated with a money transfer system to make a payment for their online transaction. *Conklin* does not teach a money transfer system having payment locations. The examiner has erroneously cited *Conklin* as teaching a money transfer system, because *Conklin* describes a multivariate negotiations engine for iterative bargaining. As has been explained in detail, this is <u>very different</u> from teaching a money transfer system. The examiner is using hindsight to produce the present invention by finding a teaching in *Conklin* that is <u>not</u> there. There is not a teaching, suggestion, or motivation in *Conklin* that will guide the person having ordinary skill in the art to create a money transfer system having payment location local computers. In fact, there is no mention in *Conklin* of payment locations where buyers physically go to and pay for online transactions using a unique transaction number assigned by the money transfer system.

There is no mention of a unique transaction number in *Conklin*

According to another aspect, the present invention's money transfer system assigns a unique transaction number to the seller's payment request and uses that unique transaction number to match the buyer with the payment request. Given that *Conklin* does not teach a money transfer system, there is no reason why one of ordinary skill in the art would find a teaching, suggestion or motivation to combine *Conklin* with *Godwin* to create a money transfer system with the features above mentioned.

No mention of a confirmation of payment received in *Conklin*

From the discussion above, it will be appreciated that the claimed money transfer system <u>ratifies payment</u>, so that the seller can be sure that payment was received at a payment location. *Conklin* does not teach a money transfer system that validates, checks, and assures the seller that payment was received from the buyer. Given that there is no teaching, motivation, or suggestion of a money transfer system that confirms or ratifies payment and communicates with the seller that payment was received, the present invention is not obvious in view of *Conklin*.

Claims 68, 92, 116 and 138

Claims 68 and 92, further to aspects similar to claims 16 and 42, describe a money transfer system that determines a buyer local exchange rate for the payment amount based upon buyer information. Similarly, claims 116 and 138 describe a money transfer system that stores the grand total amount and the unique transaction record in a staging area, and also use of a "payment made" message from the payment location local computer to the money transfer system, and communicating a message from the money transfer system to the seller computer system that payment has actually been made at a payment location.. None of these concepts could even be found in *Conklin* given that there is no mention of exchange rates based on buyer information, or a staging area, or multiple messages indicating that payment has actually been made. Only by hindsight reasoning could the examiner possibly have concluded obviousness, as there is absolutely no teaching, suggestion, or motivation for such buyer local currency aspects, or staging aspects, or messaging that payment has actually been made.

For the foregoing reasons, it is submitted that even under the TSM test, and indeed especially under the TSM test, the claims in this case are not obvious and should be allowable.

B.   SUMMARY OF THE ARGUMENTS & CONCLUSION

As described above, the examiner rejected pending independent claims 16, 42, 68, 92, 116, and 138 in a final rejection mailed February 3, 2006. Those claims are the subject of this appeal. For the reasons discussed in detail above, the Applicants submit that the Board should overrule the examiner's rejections of the claims. First, under the analytical methodology for obviousness of *Graham v. John Deere Co.*, as instructed by the Supreme Court in *KSR v. Teleflex*, there are significant differences between the applied references of *Conklin*, *Business Wire*, and *Godwin*, so that a person of ordinary skill in the art would not be lead by any reference or any reference teachings to modify any reference, especially *Conklin*, to arrive at the claimed invention(s). Considering the claimed inventions as a whole, and considering the references as a whole, there is nothing in any of the references to suggest the desirability, and thus the obviousness, of the claimed methods and systems for providing a money transfer system in conjunction with an online commerce system, where a payment is made at a payment location associated with the money transfer system, and a message is communicated to the seller by the money transfer system that
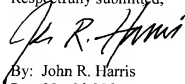
payment has actually been made at a payment location (among other aspects). The examiner and even the pre-appeal brief panel has viewed the references with impermissible hindsight in arriving at such a conclusion of obviousness – the references simply fail to meet the claims at any level.

Further, the examiner failed to make a *prima facie* case of obviousness. The explanation provided by the examiner in the final rejection office action as to how the teachings from the cited references *Conklin*, *Business Wire* article, and *Godwin* apply to the claims is incomplete, and therefore insufficient.

Finally, even under the Federal Circuit's "teaching, suggestion, motivation" test (TSM test), the examiner has not adequately found, or expressed, how the applied references teach, or suggest, or motivate the claims under appeal.

For at least the reasons stated above, Applicants respectfully requests that the Board of Patent Appeals and Interferences reverse the examiner's rejections of the claims of the present invention and allow claims 16, 18–42, 44–68, 70–92, 94–116, 118–138 and 140–159.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1–15. (CANCELED)

16.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a method for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing the money transfer system, comprising the computer-implemented steps carried out by a money transfer system of:

providing a money transfer system connected for electronic communications with at least the seller computer, the money transfer system connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers;

receiving at the money transfer system an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount;

assigning by the money transfer system a unique transaction number to the payment request;

determining by the money transfer system a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

determining by the money transfer system a grand total amount based upon the preliminary total amount and any other applicable charges;

communicating information from the money transfer system to the seller computer system for displaying at least the grand total amount and the unique transaction number to the buyer computer system;

in response to receipt at the money transfer system of information from a payment location local computer at a payment location associated with the money transfer system that payment in the amount of the grand total amount has been received at the payment location, communicating a

message to the seller computer system that payment has been actually made at a payment location; and

  effecting completion of the transaction by making payment via the money transfer system to the seller.

  17. CANCELED.

  18. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment location local computer is a stand-alone computing system with money transfer capabilities.

  19. (PREVIOUSLY PRESENTED) The method of claim 16, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

  20. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of determining a buyer local exchange rate for the preliminary total amount based upon buyer information provided from the buyer computer system to the seller computer system, and thence to the money transfer system.

  21. (PREVIOUSLY PRESENTED) The method of claim 20, wherein the buyer information comprises buyer address information including a country.

  22. (PREVIOUSLY PRESENTED) The method of claim 20, wherein the step of determining the grand total amount comprises determining the grand total amount expressed in the local currency of the buyer based on the determined buyer local exchange rate.

  23. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and

wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

24.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

25.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

26.   (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

27.   (PREVIOUSLY PRESENTED) The method of claim 26, further comprising the step of storing the data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location.

28.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein payment to the seller is made by the steps of:
        determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and
        determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

29.   (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of determining whether an amount associated with the transaction exceeds a predetermined

compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

30. (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

31. (PREVIOUSLY PRESENTED) The method of claim 30, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

32. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

33. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

34. (PREVIOUSLY PRESENTED) The method of claim 16, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

35. (PREVIOUSLY PRESENTED) The method of claim 16, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

36.   (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

37.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the payment request includes an order number provided by the seller computer.

38.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

39.   (PREVIOUSLY PRESENTED) The method of claim 16, wherein the seller is a seller on an online auction system.

40.   (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the steps of maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

41.   (PREVIOUSLY PRESENTED) The method of claim 16, further comprising the step of accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location.

42.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a system for effecting a payment from a buyer to a seller in connection with an electronic transaction, comprising:

        a communication link for connecting a money transfer system to the seller computer;

a money transfer system connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers,

the money transfer system operative for receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount;

the money transfer system operative for assigning a unique transaction number to the payment request;

the money transfer system operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system operative for determining a grand total amount based upon the preliminary total amount and any other applicable charges;

the money transfer system operative for communicating information to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

the money transfer system operative, in response to receipt of information from a payment location local computer at a payment location that payment in the amount of the grand total amount has been received at the payment location, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

the money transfer system operative for effecting completion of the transaction by making payment to the seller.

43.   CANCELED.

44.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment location local computer comprises a stand-alone computing system with money transfer capabilities.

45.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

46.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for determining a buyer local exchange rate for the preliminary total amount based upon buyer information provided from the buyer computer system to the seller computer system, and thence to the money transfer system.

47.   (PREVIOUSLY PRESENTED) The system of claim 46, wherein the buyer information comprises buyer address information including a country.

48.   (PREVIOUSLY PRESENTED) The system of claim 46, wherein the operation of determining the grand total amount comprises determining the grand total amount expressed in the local currency of the buyer based on the buyer local exchange rate.

49.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller computer is operative to communicate information to the buyer computer for display at the buyer computer of a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

50.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

51.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

52.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

53.   (PREVIOUSLY PRESENTED) The system of claim 52, wherein the money transfer system is operative for storing the data record in a payment confirmation queue in response to receipt of the information from the payment location that payment has been actually made at the payment location.

54.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative to make payment to the seller by:
        determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and
        determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

55.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

56.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative, in further response to information that payment in the amount of the grand total amount has been received at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

57.   (PREVIOUSLY PRESENTED) The system of claim 56, wherein the money transfer system is operative for providing information to the payment location including the MTCN, and wherein the payment location is operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

58.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

59.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the information provided to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

60.   (PREVIOUSLY PRESENTED) The system of claim 59, wherein the information provided to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

61.   (PREVIOUSLY PRESENTED) The system of claim 42, further comprising a payment gateway positioned to communicate information between the seller computer and the money transfer system.

62.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

63.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the payment request includes an order number provided by the seller computer.

64.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

65.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the seller is a seller on an online auction system.

66.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is operative for maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

67.   (PREVIOUSLY PRESENTED) The system of claim 42, wherein the money transfer system is further operative for accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and for communicating the grand total amount to the payment location.

68.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a method for effecting a payment from a buyer to a seller in connection with an electronic transaction utilizing a money transfer system, comprising the computer-implemented steps of:

providing a money transfer system connected for electronic communications with at least the seller computer, the money transfer system connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers;

receiving at the money transfer system an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount and buyer information;

assigning at the money transfer system a unique transaction number to the payment request;

determining at the money transfer system a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

determining at the money transfer system a buyer local exchange rate for the preliminary total amount based upon the buyer information;

determining at the money transfer system a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

communicating information from the money transfer system to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

in response to receipt of information from a payment location associated with the money transfer system that payment in the amount of the grand total amount has been received at the payment location, communicating a message from the money transfer system to the seller computer system that payment has been actually made at a payment location; and

effecting completion of the transaction by making payment via the money transfer system to the seller.

69.   CANCELED.

70.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment location comprises a stand-alone computing system with money transfer capabilities.

71.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

72.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the buyer information comprises buyer address information including a country.

73.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

74.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

75.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

76.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of generating a unique data record corresponding to the payment request and storing the data record in a staging area associated with the money transfer system.

77.   (PREVIOUSLY PRESENTED) The method of claim 76, further comprising the step of storing the data record in a payment confirmation queue in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

78.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein payment to the seller is made by the steps of:
        determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

79.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

80.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

81.   (PREVIOUSLY PRESENTED) The method of claim 80, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

82.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

83.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

84.   (PREVIOUSLY PRESENTED) The method of claim 83, wherein the information provided in the step of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

85.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

86.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

87.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the payment request includes an order number provided by the seller computer.

88.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

89.   (PREVIOUSLY PRESENTED) The method of claim 68, wherein the seller is a seller on an online auction system.

90.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the steps of maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

91.   (PREVIOUSLY PRESENTED) The method of claim 68, further comprising the step of accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and communicating the grand total amount to the payment location.

92.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, and a network for

connecting the buyer computer and the seller computer for an electronic commercial transaction, a system for effecting a payment from a buyer to a seller in connection with an electronic transaction, comprising:

a money transfer system connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers;

a communication link for connecting the money transfer system to the seller computer;

the money transfer system operative for receiving an electronic payment request from the seller computer in response to a proposed transaction between the buyer and the seller, the payment request comprising information including at least a transaction amount and buyer information;

the money transfer system operative for assigning a unique transaction number to the payment request;

the money transfer system operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system operative for determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

the money transfer system operative for determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

the money transfer system operative for communicating information to the seller computer system for displaying the grand total amount and the unique transaction number to the buyer computer system;

the money transfer system operative, in response to receipt of information from a payment location local computer at a payment location that payment in the amount of the grand total amount has been received at the payment location, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

the money transfer system operative for effecting completion of the transaction by making payment to the seller.

93. CANCELED

94. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment location local computer comprises ~~is~~ a stand-alone computing system with money transfer capabilities.

95. (PREVIOUSLY PRESENTED) The system of claim 92, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

96. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the buyer information comprises buyer address information including a country.

97. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

98. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

99. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

100. (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for generating a unique data record corresponding to the

payment request and storing the data record in a staging area associated with the money transfer system.

      101.   (PREVIOUSLY PRESENTED) The system of claim 100, wherein the money transfer system is further operative for storing the data record in a payment confirmation queue in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

      102.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is operative for making payment to the seller by:

      determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

      determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

      103.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

      104.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been received at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

      105.   (PREVIOUSLY PRESENTED) The system of claim 104, wherein the money transfer system is further operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

106.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

107.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the information provided in the operation of communicating information to the seller computer system for displaying to the buyer computer system includes instructions to the buyer that payment in the grand total amount should be tendered to a payment location.

108.   (PREVIOUSLY PRESENTED) The system of claim 107, wherein the information provided in the operation of communicating information to the seller computer system for displaying to the buyer computer system includes information as to a plurality of payment locations at which actual payment may be tendered.

109.   (PREVIOUSLY PRESENTED) The system of claim 92, further comprising a payment gateway operatively positioned to communicate information between the seller computer and the money transfer system.

110.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

111.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the payment request includes an order number provided by the seller computer.

112.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

113.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the seller is a seller on an online auction system.

114.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for maintaining device queue records comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

115.   (PREVIOUSLY PRESENTED) The system of claim 92, wherein the money transfer system is further operative for accessing information stored at the money transfer system including the grand total amount due from the buyer, in response to receipt of a message from a payment location including the unique confirmation number, and for communicating the grand total amount to the payment location.

116.   (PREVIOUSLY PRESENTED) In an online commerce system including a buyer computer operated by a buyer, a seller computer operated by a seller, a network for connecting the buyer computer and the seller computer for an electronic commercial transaction, a method for effecting a payment from a buyer to a seller in connection with an electronic transaction, comprising the computer-implemented steps of:

providing a money transfer system connected for electronic communications with the seller computer, the money transfer system also connected for electronic communications with one or more payment locations associated with the money transfer system having payment location local computers;

receiving at the money transfer system an electronic payment request from a seller computer, the payment request comprising information including at least a transaction amount and buyer information, the information being associated with a proposed transaction between a buyer and a seller;

at the money transfer system, assigning a unique transaction number to the payment request;

at the money transfer system, determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

at the money transfer system, determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

at the money transfer system, determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

storing a unique payment request record comprising the grand total amount and the unique transaction record in a staging area associated with the money transfer system;

communicating payment instruction information comprising the grand total amount and the unique transaction number from the money transfer system to the seller computer system for display to the buyer computer system;

communicating the payment instruction information from the seller computer system to the buyer computer system;

displaying the payment instruction information at the buyer computer system;

at a payment location associated with the money transfer system, receiving the unique transaction number from a person and inputting the unique transaction number to a payment location local computer at the payment location;

communicating the unique transaction number from the payment location local computer to the money transfer system;

at the money transfer system, and in response to receipt of the unique transaction number from a payment location local computer, retrieving the payment request record associated with the unique transaction number from the staging area;

communicating information associated with the payment request record to the payment location local computer, for use at the payment location in collecting payment from the buyer;

in response to tender of payment in the grand total amount by the buyer at the payment location, communicating a payment made message from the payment location local computer to the money transfer system;

in response to receipt of the payment made message from the payment location local computer, communicating a message from the money transfer system to the seller computer system that payment has been actually made at a payment location; and

effecting completion of the transaction by making payment to the seller via the money transfer system.

117. CANCELED

118. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment location local computer comprises a stand-alone computing system with money transfer capabilities.

119. (PREVIOUSLY PRESENTED) The method of claim 116, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

120. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the buyer information comprises buyer address information including a country.

121. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller computer displays a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

122. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

123. (PREVIOUSLY PRESENTED) The method of claim 116, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

124. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of storing the data record in a payment confirmation queue associated with the money transfer system in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

125. (PREVIOUSLY PRESENTED) The method of claim 116, wherein payment to the seller is made by the steps of:

determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and

determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

126. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of determining at the money transfer system whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

127. (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of, in further response to information from a payment location local computer that payment in the amount of the grand total amount has been actually made at the payment location, communicating a money transfer control number (MTCN) from the money transfer system to the payment location for provision to the buyer.

128.   (PREVIOUSLY PRESENTED) The method of claim 127, further comprising the step of providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

129.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

130.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the displayed payment instruction information includes instructions to the buyer that payment in the grand total amount as expressed in the buyer's local currency should be tendered to a payment location.

131.   (PREVIOUSLY PRESENTED) The method of claim 130, further comprising the step of communicating payment location information from the money transfer system to the seller computer for display at the buyer computer system, the payment location information comprising the addresses of a plurality of payment locations at which actual payment may be tendered.

132.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein a payment gateway is positioned to communicate information between the seller computer and the money transfer system.

133.   (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the step of canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

134.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the payment request includes an order number provided by the seller computer.

135.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

136.   (PREVIOUSLY PRESENTED) The method of claim 116, wherein the seller is a seller on an online auction system.

137.   (PREVIOUSLY PRESENTED) The method of claim 116, further comprising the steps of maintaining device queue records at the money transfer system comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

138.   (PREVIOUSLY PRESENTED) An online commerce system for effecting a payment from a buyer to a seller in connection with an electronic transaction, the buyer operating a network-accessible buyer computer operative for electronic communications with other computers, comprising:

a seller computer operated by a seller and operative for electronic communications with other computers, including the buyer computer;

a money transfer system operative for electronic communications with the seller computer and with at least one remote payment location having a payment location local computer associated with the money transfer system;

a communication link between the seller computer and the money transfer system;

one or more communication links between the money transfer system and one or more payment locations associated with the money transfer system having payment location local computers;

the seller computer operative in response to a proposed transaction with a buyer for communicating an electronic payment request to the money transfer system, the payment request comprising information including at least a transaction amount and buyer information;

the money transfer system operative for receiving the payment request from the seller computer and assigning a unique transaction number to the payment request;

the money transfer system further operative for determining a preliminary total amount required from the buyer in connection with the transaction comprising at least the transaction amount;

the money transfer system further operative for determining a buyer local exchange rate for the preliminary total amount based upon the buyer information;

the money transfer system further operative for determining a grand total amount expressed in the local currency of the buyer, based upon the preliminary total amount, any other applicable charges, and the determined buyer local exchange rate;

the money transfer system further operative for storing a unique payment request record comprising the grand total amount and the unique transaction record in a staging area associated with the money transfer system;

the money transfer system further operative for communicating payment instruction information to the seller computer system comprising the grand total amount and the unique transaction number, for display to the buyer computer system;

the seller computer operative for communicating the payment instruction information to the buyer computer system, for display of said payment instruction information to the buyer;

a payment location local computer at a payment location associated with the money transfer system, in response to input of a supplied unique transaction number, operative for communicating the supplied unique transaction number to the money transfer system;

the money transfer system operative, in response to receipt of the supplied unique transaction number from a payment location local computer, for retrieving the payment request record associated with the supplied unique transaction number from the staging area;

the money transfer system further operative for communicating information associated with the payment request record to the payment location local computer, for use at the payment location in collecting payment from the buyer;

the payment location local computer at the payment location operative, in response to input of data indicating tender of payment in the grand total amount by the buyer at the payment location, for communicating a payment made message to the money transfer system;

the money transfer system operative, in response to receipt of the payment made message from the payment location local computer, for communicating a message to the seller computer system that payment has been actually made at a payment location; and

the money transfer system further operative, in response to receipt of the payment made message from the payment location local computer, for effecting completion of the transaction by making payment to the seller.

139.   CANCELED.

140.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment location local computer comprises a stand-alone computing system with money transfer capabilities.

141.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein payment to the seller comprises the grand total amount expressed in the local currency of the seller, less any applicable transaction fees.

142.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the buyer information comprises buyer address information including a country.

143.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller computer is operative for communicating information to the buyer computer for display at the buyer computer a plurality of selectable payment methods for selection by the buyer in connection with the transaction, the payment methods including a cash payment method, and wherein the payment request is generated by the seller computer system in response to selection by the buyer of the cash payment method.

144.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment request information includes information selected from the group comprising buyer identification information, seller identification information, seller order number, transaction date, a summary of item(s) purchased, purchase price, shipping charges, and total price.

145. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the preliminary total amount comprises the sum of the transaction amount, shipping charges, and any applicable transaction fees.

146. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for storing the data record in a payment confirmation queue associated with the money transfer system in response to receipt of the information from the payment location local computer that payment has been actually made at the payment location.

147. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative to make payment to the seller by:
determining a seller local exchange rate for the funds due to the seller based upon seller information provided by the seller computer; and
determining a grand total amount expressed in the local currency of the seller, based upon the grand total amount and the determined seller local exchange rate, less any applicable charges.

148. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for determining whether an amount associated with the transaction exceeds a predetermined compliance limit, and requesting additional information from the buyer in response to a determination that said amount exceeds the predetermined compliance limit.

149. (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative, in further response to information from the payment location local computer that payment in the amount of the grand total amount has been actually made at the payment location, for communicating a money transfer control number (MTCN) to the payment location for provision to the buyer.

150. (PREVIOUSLY PRESENTED) The system of claim 149, wherein the money transfer system is operative for providing a receipt to the buyer at the payment location, the receipt bearing at least the money transfer control number (MTCN).

151.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment made by the buyer at the payment location is by cash, credit card, or check.

152.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the displayed payment instruction information includes instructions to the buyer that payment in the grand total amount as expressed in the buyer's local currency should be tendered to a payment location.

153.   (PREVIOUSLY PRESENTED) The system of claim 152, wherein the money transfer system is operative for communicating payment location information to the seller computer for display at the buyer computer system, the payment location information comprising the addresses of a plurality of payment locations at which actual payment may be tendered.

154.   (PREVIOUSLY PRESENTED) The system of claim 138, further comprising a payment gateway operatively positioned to communicate information between the seller computer and the money transfer system.

155.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the money transfer system is operative for canceling the transaction if the buyer does not make payment at a payment location within a predetermined time period.

156.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the payment request includes an order number provided by the seller computer.

157.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller is a merchant and operates an Internet-accessible web site for conducting transactions with buyer computers.

158.   (PREVIOUSLY PRESENTED) The system of claim 138, wherein the seller is a seller on an online auction system.

159.   (PREVIOUSLY PRESENTED) The system of claim 138, further comprising the steps of maintaining device queue records at the money transfer system comprising lists of messages awaiting delivery, messages currently being delivered, and messages awaiting confirmation of delivery.

IX.   EVIDENCE APPENDIX

None.

X.   RELATED PROCEEDINGS APPENDIX

None.